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March 25, 2022

VIA ECF

Magistrate Judge Arlene R. Lindsay
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722-4451

Re: Corrine Lucas, et al. v. InterContinental Capital Group, Inc., et al.
No. 2:22-cv-591-JMA-ARL
Joint Letter Motion to Stay Proceedings Pending Formal Mediation

Dear Judge Lindsay:

I represent the Defendant InterContinental Capital Group, Inc. in the above referenced matter. I am writing jointly with Plaintiffs' counsel to request that Your Honor stay proceedings in this action so that the Parties may attempt to resolve this matter through formal, private mediation.

As you are aware, "[a] federal district court has the inherent power, in the exercise of its discretion, to stay an action." *John's Insulation, Inc. v. Siska Constr. Co.*, 671 F.Supp. 289, 297 (S.D.N.Y.1987) (citing *Landis v. North American Co.*, 299 U.S. 248, 57 S.Ct. 163, 81 L.Ed. 153 (1936)). Courts commonly stay matters when Parties seek to compel the same to mediation or arbitration pursuant to a written agreement. See e.g. *Brown v. Coca-Cola Enterprises, Inc.*, No. 08-CV-3231 (JFB)(ETB, 2009 WL 1146441, at *14 (E.D.N.Y. Apr. 28, 2009); *CB Richard Ellis, Inc. v. Am. Env't Waste Mgmt.*, No. 98-CV-4183(JG), 1998 WL 903495, at *4 (E.D.N.Y. Dec. 4, 1998). Here, the Parties, through counsel, have agreed to mediation.

Plaintiff has filed a Motion for Conditional Certification in addition to the Complaint and, currently, Defendant's Response and Opposition would be due today. However, rather than expending time and resources on responding to the Complaint and Motion, the Parties have agreed to formal, private mediation. Counsel for Plaintiffs and Defendant have discussed early resolution at length and the Parties have agreed upon parameters and limited discovery applicable to the mediation. In addition, the Parties are coordinating to select a mediator in the New York area.

To facilitate these efforts and to preserve resources, the Parties jointly request that Your Honor stay all proceedings in this case, including all dates related to Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint and oppose the Motion for Conditional Certification. Provided Your Honor grants the Parties' joint request for a stay, should the mediation



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prove to be unsuccessful, the Parties will promptly notify the Court and prepare to move forward with litigation at that time. The Parties are available for a status conference if Your Honor wishes to discuss this request further.

Respectfully,

A handwritten signature in black ink, appearing to read "Katharine Thomas Batista", with a long horizontal flourish extending to the right.

Katharine Thomas Batista

KTB/rm

cc: Timothy Coffield, Esquire

4892-4740-7640, v. 1